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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,995	04/17/2001	Charlotte Soderberg	00146regUS	8766

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EXAMINER	
LANDSMAN, ROBERT S	

ART UNIT	PAPER NUMBER
1647	

DATE MAILED: 04/11/2002 8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application N .	Applicant(s)	
	09/835,995	SODERBERG ET AL.	
	Examiner	Art Unit	
	Robert Landsman	1647	

-- The MAILING DATE of this c mmunication appears on the c ver sheet with the corresp ndence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-79 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) 1-79 are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

1. Election/Restriction

A. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-29 and 69-72, drawn to an isolated nucleic acid molecule of SEQ ID NO:1, or encoding SEQ ID NO:2, vectors, host cells, and methods for producing polypeptide, classified in class 435, subclass 69.1.

II. Claims 30-35, drawn to an isolated polypeptide of SEQ ID NO:2, or variants thereof, classified in class 530, subclass 350.

III. Claims 36-38, drawn to an isolated antibody, classified in class 530, subclass 387.1.

IV. Claim 39, drawn to a method of inducing an immune response in a mammal by administering a polypeptide of SEQ ID NO:2, classified in class 514, subclass 2.

V. Claims 40-43, 48-51, 73-74 and 76, 77 in part, drawn to a method for identifying a compound that binds, or modulates, nGPCR-1025, classified in class 435, subclass 7.2.

VI. Claims 44 and 52, drawn to a compound that binds, or modulates, nGPCR-1025, class and subclass undeterminable.

VII. Claims 45-46, drawn to a method for identifying a compound that binds a nucleic acid encoding nGPCR-1025, classified in class 435, subclass 6.

VIII. Claim 47, drawn to a compound that binds a nucleic acid encoding nGPCR-1025, class and subclass undeterminable.

IX. Claims 53-55, drawn to a method for identifying an animal homolog of nGPCR-1025 activity by comparing nucleic acid sequences, classified in class 435, subclass 6.

X. Claims 56-66 drawn to a method of screening a human subject for brain disorders, mental disorders, or allelic variants of nGPCR-1025 and a kit, classified in class 435, subclass 6.

XI. Claims 67 and 68, drawn to a purified and isolated nGPCR-1025 allelic variant and a host cell, classified in class 435, subclass 69.1.

XII. Claims 75 and 76, 77 in part, drawn to a method of identifying a modulator of binding between nGPCR-1025 and a binding partner of nGPCR-1025, classified in class 435, subclass 7.2.

XIII. Claims 78 and 79, drawn to a method of purifying a G protein from a sample by contacting the sample with a protein of SEQ ID NO:2, classified in class 530, subclass 419.

B. The inventions are distinct, each from each other because of the following reasons:

Inventions I, II, III, VI, VIII are independent and distinct, each from each other, because they are products which possess characteristic differences in structure and function and each has an independent utility that is distinct for each invention which cannot be exchanged. The polynucleotide of Invention I can be used to make a hybridization probe, or can be used in gene therapy as well as to produce the polynucleotide of interest. The polypeptide of Invention II can be used for purposes other than to make an antibody of Invention III, such as a probe, or used therapeutically or diagnostically (e.g. in screening). The antibody of Invention III can be used for reasons other than to obtain the polypeptide of Invention II. For example, the antibody may be used in diagnostics (e.g. as a probe in immunoassays, or in immunochromatography), or therapeutically. The compounds of Invention VI, which binds a polypeptide, is distinct from the compound of Invention VIII, which binds nucleic acid encoding the polypeptide and both compounds are distinct from polypeptides, nucleic acids, and antibodies.

Invention I is unrelated to Inventions IV, V, XII, XIII. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are not disclosed as capable of use together since neither Inventions IV, V, XII, nor XIII requires the use of a nucleic acid molecule.

Inventions I and VII, IX, X, XI are related as product and processes of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product, or (2) the product as claimed can be used in a materially different process of using that product MPEP § 806.05(h).

Inventions II and IV, V, XII, XIII are related as product and processes of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product, or (2) the product as claimed can be used in a materially different process of using that product MPEP § 806.05(h).

Invention II is unrelated to VII, IX, X, XI. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are not disclosed as capable of use together since neither Inventions VII, IX, X, nor XI requires the use of a polypeptide.

Invention III is unrelated to IV, V, VII, IX-XIII. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are not disclosed as capable of use together since none of the Inventions requires the use of an antibody.

Inventions IV, V, VII, IX-XIII are independent and distinct, each from the other, because the methods are practiced with materially different process steps for materially different purposes and each method requires a non-coextensive search because of different starting materials, process steps and goals.

Inventions VI and VIII are unrelated to IV, V, VII, IX-XIII. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are not disclosed as capable of use together since none of the Inventions of IV, V, VII, IX-XII require the use of the compounds of Inventions VI, or VIII.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and recognized divergent subject matter as defined by MPEP § 808.02, the Examiner has *prima facie* shown a serious burden of search (see MPEP § 803). Therefore, an initial requirement of restriction for examination purposes as indicated is proper.

C. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 CFR § 1.48(b) and by the fee required under 37 CFR § 1.17 (h).

Advisory information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Landsman whose telephone number is (703) 306-3407. The examiner can normally be reached on Monday - Friday from 8:00 AM to 5:00 PM (Eastern time) and alternate Fridays from 8:00 AM to 5:00 PM (Eastern time).

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Gary Kunz, can be reached on (703) 308-4623.

Official papers filed by fax should be directed to (703) 308-4242. Fax draft or informal communications with the examiner should be directed to (703) 308-0294.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Robert Landsman, Ph.D.
Patent Examiner
Group 1600
April 09, 2002